

## RECORD OF PROCEEDINGS

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### COLORADO STATE BOARD OF MARRIAGE AND FAMILY THERAPIST EXAMINERS PUBLIC MINUTES

January 26, 2007

Notice of this meeting was published at [www.dora.state.co.us/mental-health](http://www.dora.state.co.us/mental-health), at least 7 days in advance of the meeting date.

#### I. **CONVENE**

The open session of the meeting for the Colorado State Board of Marriage and Family Therapist Examiners Board Meeting was convened in the Denver Post Building, 1560 Broadway, Suite 1380A&B, Denver, Colorado 80202, at 9:11 a.m, by Board Chair, Christine Martell, PhD.

##### **In addition to Dr. Christine Martell, were Board members:**

Marilyn Cook, LMFT, Professional Member

Jenna Davis, Public Member

Marjorie Laird, LMFT, LPC, Professional Member

Brandy L. Valdez Murphy, Public Member

Linda Pounds, LMFT, Professional Member

##### **Unable to attend, was Board member:**

April D. Jones, Esquire, Public Member

##### **Staff present:**

Rose McCool, Division Director

Gayle D. Fidler, Program Director

Melissa Garner, Program Assistant

Cynthia Greenfield, ESP Program Director

Paul Burczyk, Administrative Assistant

Pamela Davis Jackson, Assistant Attorney General

Cindy Reinhardt, Office of Investigations

##### **Guest(s) present:**

None

#### II. **APPROVAL OF MINUTES**

Board members reviewed and approved the minutes of the December 7, 2006 meeting, as amended, and the January 18, 2007 meeting, as submitted.

#### III. **ADDITIONS TO THE AGENDA**

January 18, 2007 Minutes and Agenda Item #5A.

#### IV. **OPEN FORUM**

**V. REPORTS**

**Board Chair**

No report.

**Gayle Fidler, Program Director**

- Outlined what Rose McCool, Division Director, would be speaking to the Board about today, regarding recently passed and proposed legislation affecting the Mental Health boards.

**VI. NEW BUSINESS**

**Rose McCool, Division Director – Recently passed and proposed legislation.**

Ms. McCool reported how new immigration legislation would impact Registrations and that we had 6 months to implement the new legislation, which would be effective January 1, 2007. This legislation will affect anyone who receives a new license or who renews, and an affidavit will be required and recorded in our databases at that time. It was also reported we have only a \$300K amount to update our database, so DORA is taking a risk based approach, reserving the right to ask anyone for a copy of documents that would attest to their lawful presence. It is anticipated that there may be changes to this legislation and that we will need to be flexible. Ms. McCool would like to see that the renewal language is changed after 2 years, so that the renewal process is not slowed down. Gayle Fidler noted that the policy was just revised in the last 2 weeks, and will be updated in members' next FYI board packets.

Additional legislation for discussion included:

- 1) Reported on legislation providing title protection for art therapists, noting that we needed additional clarification and noting their current protections under the mental health statute.
- 2) Reported that an audit was done 2 years ago, looking at efficiencies for licensing. When the auditors were here they recommended reviewing testing, which required the Board to approve applications before they took the exam. The current bill on the floor would allow applicants to test via a vendor and submit other portions of their application concurrently.
- 3) Reported on possible staggering of Board member terms. When the original Grievance Board was broken apart 8 years ago, they did not stagger the terms of new Board members. The impacts of new legislation in this regard would result in the shortening of some Board member terms in order to accomplish the necessary staggering effect. The legislation would provide that we can only shorten terms, not lengthen them. Therefore, we are asking for Board member support and cooperation in this process. It was noted that we will lose no more than one professional member at a time.

**VII. OLD BUSINESS**

**VIII. LICENSING – Administrative Issues**

**Agenda Item #1                      Problem Application**

The Board reviewed an MFP application originally referred from Office of Licensing on July 18, 2006, for possible conflict with EL's supervisor. EL submitted additional information requested by the Board on September 17, 2006. Board tabled matter on December 7, 2006, for further review.

Marilyn Cook, LMFT, and Marjorie Laird, LMFT, LPC, recused themselves during review and discussion.

After thorough review and discussion, the Board determined that to continue the MFP application process EL will be required to provide a new provisional MFT application with documentation showing another supervisor, one who also works at EL's current residential child care facility.

**Agenda Item #2                      Problem Application**

The Board reviewed an MFT application referred from Office of Licensing on November 27, 2006, for "yes" answer to question #10 on application and possible conflict with EL's supervisor.

Marilyn Cook, LMFT, and Marjorie Laird, LMFT, LPC, recused themselves during review and discussion.

After thorough review and discussion, the Board determined that to continue the MFT application process EL will be required to provide a new MFT application with supervised work experience documentation through another supervisor, one who is not associated with EL financially or with whom EL has any other dual relationship.

**IX. MONITORING REPORTS**

**X. INVESTIGATIVE REPORTS**

**Agenda Item #3                      Case #2006-003271**

The Board reviewed a report of investigation received November 30, 2006 from Cindy Reinhardt, DORA Investigator, concerning complaint initiated by ML against VM.

After thorough review and discussion, the Board found that there were insufficient grounds to warrant the commencement of formal disciplinary proceedings as required by the provisions of Colorado law. Accordingly, the Board dismissed the complaint.

**XI. INITIAL REVIEW**

**Agenda Item #4                      Case #2007-000537**

The Board reviewed an inquiry received August 15, 2006, from DB alleging CL may have violated Colorado Mental Health Statutes CRS 12-43-218 and 12-43-222(1)(g). In addition, the Board reviewed a response received October 16, 2006, from CL; and additional material received October 17, 2006, from CL.

Dr. Christine Martell and Jenna Davis, recused themselves during review and discussion.

After a through review of the information available, the Board referred it to the Office of Investigations for further investigation and preparation of a report for the Board.

**Agenda Item #5                      Case #2007-001332**

The Board reviewed an inquiry received October 26, 2006, from BO alleging TK may have violated Colorado Mental Health Statute CRS 12-43-222(1)(g). In addition, the Board reviewed a response received November 30, 2006, from TK; and 10-day response received December 28, 2006, from BO.

After thorough review and discussion, the Board found that there were insufficient grounds to warrant the commencement of formal disciplinary proceedings as required by the provisions of Colorado law. Accordingly, the Board dismissed the complaint.

**XII. CASE CONSIDERATIONS - Prior to mailing 20-day Letter**

**Agenda Item #5A**

The Board reviewed an inquiry received January 18, 2006, from KM, regarding VM.

After thorough review and discussion, the Board found reasonable cause to believe that a violation of CRS 12-43-222(1)(c) and (g) may have occurred, and directed that a 20-day letter be sent.

**XIII. RE-CONSIDERATIONS/APPEALS**

*A motion was made that the Board enter into Executive Session, in order to discuss with counsel the following matters: to discuss pending or imminent court action involving the Board as a party pursuant to CRS 24-6-402(3)(a)(II).*

**XIV. EXECUTIVE SESSION (CLOSED)**

*Motion that the Board adjourn from executive session at this time, and enter into open session, to formally vote to adjourn the meeting.*

**XV. ADJOURN**

The Board formally adjourned the meeting at approximately 10:40 a.m.

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**Board Chair**

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**Vice-Chair**